REMARKS/ARGUMENTS

1. Rejection of claims 1-4, 6-9, and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Frank, Jr. et al. (US 6,546,489), hereinafter "Frank," in view of Stevens (US 2002/0133702):

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Regarding claims 1, 6, and 12:

Independent claims 1, 6, and 12 have each been amended to specify the purpose and the method of using the software delivery device. Each of
10   these claims now specifies that the software delivery device is connects to a computer and delivers software to a computer. The software delivery device is not part of the computer, and therefore is able to deliver software to the computer. No new matter has been added as a result of these claim amendments, and the amendments are only made to clarify the claim
15   language.

On the other hand, Frank's microcontroller 432, 443 is not part of the disk drive 424. Therefore, Frank does not teach the claimed limitations of the software delivery device having a microcontroller for controlling the
20   software delivery device.

Even if Frank's disk drive 424 is to be considered together with the computer 430 to be a software delivery device, then Frank fails to teach the software delivery device delivering software to a computer. Frank's disk
25   drive/computer combination 400 is self-contained, and the host interface (connection port) 426 is necessarily occupied by virtue of the combination. Without another free connection port, it would not be apparent to one of

ordinary skill in the art how to use the combination 400 as a software delivery device to a computer. In addition, if the computer 430 is to be the target for software delivery by a "software delivery device," then it is not possible for that same computer 430 to make up a part of the software

5   delivery device.

According to MPEP 2141 II(B)&(D), the references must be considered as in their entirety and a reasonable expectation of success must exist. The applicant argues that since Frank's disk drive 424 is separated from the

10   microcontroller 443 by the very connection (host interface 426) that would allow the combination to deliver software, the Frank reference has not been considered in its entirety. One of ordinary skill in the art would not how to use the combination as a software delivery device.

15   Reconsideration of claims 1-4, 6-9, and 11-12 is respectfully requested. Claims 2-4, 7-9, and 11 are dependent and should be allowed if the corresponding independent claims are allowed.
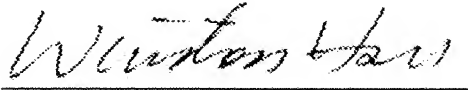
2. Rejection of claims 5 and 10 under 35 U.S.C. 103(a) as being
20   **unpatentable over Frank and Stevens and further in view of Strom et al. (US 2004/0003274):**

Claims 5 and 10 are dependent and should be allowed if the corresponding independent claims are found allowable.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

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10   Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)